

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,) 3:08MJ45
vs) FEBRUARY 28, 2008
JEANNETTE TYE RUNYON,)
Defendant.)
/

TRANSCRIPT OF ELECTRONICALLY-RECORDED
INITIAL APPEARANCE

BEFORE THE HONORABLE CARL HORN, III
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

FOR THE UNITED STATES MARK ODULIO, ESQ.
 U. S. Attorney's Office
 227 W. Trade Street
 Suite 1700
 Charlotte, NC 28202

FOR THE DEFENDANT EMILY MARROQUIN, ESQ.
 Federal Defenders of WNC
 277 W. Fourth Street
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Proceedings digitally recorded and transcript prepared by:

JOY KELLY, RPR, CRR
U. S. Official Court Reporter
Charlotte, North Carolina
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1 (Hearing commenced 11:09:52 a.m.)

2 THE COURT: Tell me your name, ma'am.

3 THE DEFENDANT: Jeannette Tye Runyon.

4 THE COURT: Okay. And is your address 686 South
5 Happy Hill in Lexington?

6 THE DEFENDANT: Yes, it is.

7 THE COURT: You have been charged in a criminal
8 complaint with making a false statement in a passport and
9 using a false Social Security number.

10 THE DEFENDANT: False Social Security number?

11 THE COURT: Yes. I think we have 408-86 -- let me
12 just summarize the affidavit, the factual allegations.

13 Passport fraud and Social Security fraud are the
14 two charges. The charges would carry a ten-year maximum
15 term of imprisonment and a fine of up to \$250,000.

16 It's alleged specifically that on November 5th,
17 2007, that you identified yourself as Jeannette T. Runyon at
18 the U. S. Embassy at Kiev in the Ukraine, and attempted to
19 obtain a U. S. passport and Social Security number for a
20 three-week old infant claiming the child was your child.

21 You supplied at that time allegedly an Ukrainian
22 birth certificate listing this child, you as the mother and
23 Lawrence Woolslayer as the father. You signed the form.
24 These are all allegations.

25 It's alleged that, in fact, you arrived in the

1 Ukraine two days after the child was born. And it was later
2 learned that the child was conceived clinically from the
3 sperm and egg donated by anonymous donors, carried to term
4 by a surrogate mother in the Ukraine. And it was learned
5 that you had paid approximately \$30,000 to adopt this child.
6 And then there's an allegation about some communication
7 through the Internet to others involved in the group that
8 they shouldn't use this clinic.

9 All right. Those are the factual allegations.
10 It's a criminal complaint. It comes out of the Middle
11 District of North Carolina. And I understand from
12 Mrs. O'Brien that this gentleman in the courtroom is an
13 attorney, and your name is Bree Egor (ph).

14 MR. CASINI: No. My name is Mr. Casini. I work
15 with MK Law (ph). Bree Egor (ph) is actually my father.

16 THE COURT: Okay. What is your name again?

17 MR. CASINI: Mr. Casini.

18 THE COURT: Casini.

19 MR. CASINI: Casini.

20 THE COURT: Spell that for me.

21 MR. CASINI: Sorry. C-A-S-I-N-I.

22 THE COURT: C-A-S-I-N-I. Casini.

23 MR. CASINI: Correct.

24 THE COURT: Now, where do you practice, sir?

25 MR. CASINI: Currently in the Ukraine. I

1 previously practiced in the United Kingdom.

2 THE COURT: So you are a Ukrainian lawyer?

3 MR. CASINI: Correct.

4 THE COURT: All right. And what would you like to
5 say?

6 MR. CASINI: I'd first like to explain the facts
7 of the case to you in relation to the Ukraine. It might
8 well help Mrs. Runyon's defense.

9 THE COURT: Okay. Well, she's charged in another
10 district, not here. This is an initial appearance.

11 Let me turn to the government at this point and
12 ask what is the government's position on whether Ms. Runyon
13 should be returned in custody or out of custody to the
14 Middle District?

15 MR. ADULIO: Oh, Your Honor, our position is that
16 she should be held in custody and -- returned in custody.

17 THE COURT: Okay.

18 MR. ADULIO: The agents supporting that -- and I
19 don't know who this gentleman is, and obviously he's
20 indicating he's licensed in the Ukraine --

21 THE COURT: The Ukraine. Right.

22 MR. ADULIO: Our information with the agent
23 from -- embassy in UK is that this gentleman was disbarred
24 in the UK.

25 MR. CASINI: Correct.

1 THE COURT: He says that's correct.

2 MR. ADULIO: So -- okay.

3 THE COURT: So the government is moving for
4 detention. Anything further?

5 What else do we know about this case relevant to
6 that, and particularly whether it would be best for
7 Ms. Runyon to have her hearing here in our district or back
8 in the Middle District in terms of her roots, one place or
9 the other?

10 MR. ADULIO: Well, certainly I think, as the Court
11 has set forth, she has an option to do it in either place.
12 Information is she resides in Lexington, North Carolina. So
13 that may very well be a more appropriate venue for her to
14 seek the relief that she's seeking.

15 As the complaint sets forth, the charges are
16 passport fraud and Social Security fraud. But as the Court
17 has set forth, the underlying the facts of this case involve
18 a three-week old infant and trying to obtain that infant in
19 the Ukraine with false information and false documents.

20 So although again the charges are passport fraud
21 and Social Security fraud, the government's position is this
22 involves a baby, a three-week old baby, and this particular
23 person proffering false, fraudulent, bogus information to
24 the authorities.

25 THE COURT: Well, people go to the Ukraine all the

1 time to adopt children. What -- this is a little unusual is
2 that it was a clinically created child and a surrogate
3 mother, but no -- it wasn't like she stole the baby. I
4 mean, maybe those are not legal to do in the Ukraine. They
5 certainly are legal in the United States. People do that.

6 MR. ADULIO: Your Honor, I'm not sure at this
7 point there are facts one way or the other about the origins
8 of that child. Whether or not the child was stolen, I mean
9 there's no allegation in the complaint, but I think what I'm
10 trying to raise is that because of the age of that child,
11 certainly that may have been a possibility.

12 What we're saying is, Your Honor, she did provide
13 false information to the consular official. She provided
14 false documents. Certainly inherent in that is I think --
15 raises a spectrum of her credibility, her likelihood of
16 complying with, I think, and submitting to the jurisdiction
17 of this Court, and complying with the Court order.

18 So given the posture of this sensitive nature of
19 these facts and the seriousness of the charges therein, the
20 strength of the government's evidence, you know, that's why
21 we're moving for detention.

22 THE COURT: Right. We certainly won't decide that
23 today. It will be decided next week.

24 MR. ADULIO: Yes, sir.

25 THE COURT: Or in the Middle District if she

1 elects to go back and have a hearing there.

2 Do we know anything about her citizenship status?

3 Is she a U. S. citizen?

4 MR. ADULIO: Your Honor, the agent is advising me
5 that -- and by the way, the agent's name is Mark Richardson
6 from the Department of State -- is advising that the
7 defendant is a joint U. S. and UK citizen, but born in
8 California -- or born in New York.

9 THE COURT: Okay. All right. Now, Mr. Casini,
10 you say you were disbarred in the United Kingdom?

11 MR. CASINI: No, I was not disbarred in the United
12 Kingdom.

13 THE COURT: Disbarred in the Ukraine?

14 MR. CASINI: No, I'm not disbarred. I ceased to
15 practice in the United Kingdom. I've never been disbarred
16 in the United Kingdom.

17 THE COURT: Okay. I thought you said that you
18 were.

19 MR. CASINI: No (simultaneous conversation.)

20 THE COURT: What else briefly would you like to
21 say for today?

22 And, again, all we're going to decide today is
23 whether she goes back to have a hearing on her release
24 closer to where she lives, in the Middle District, or
25 whether we have that hearing next week here. We won't have

1 that determination in any event.

2 MR. CASINI: I understand. I'm not looking for
3 that at all. Actually, what I'm saying to you is I
4 actually, in the Ukraine, persuaded her to come back to the
5 U. S. (inaudible) consulate fully on her behalf.

6 I will also tell you the clinic, Aceda (ph),
7 produced the documents. Mrs. Runyon did not know the
8 documents were falsified.

9 I don't know if you know anything about the
10 conditions in Ukraine, Your Honor. I'm sure you don't.
11 It's extremely easy to falsify documents. This clinic is a
12 an extremely powerful organization. The child is now with
13 deputy mayor of Kiev. It's an extremely sensitive issue.
14 There was never an attempt to steal the child.

15 THE COURT: The child is where?

16 MR. CASINI: With the deputy mayor of Kiev.

17 THE COURT: The deputy mayor of Kiev.

18 MR. CASINI: Yes.

19 THE COURT: Okay. This is all very intriguing.

20 MR. ADULIO: Your Honor, the information I'm
21 getting is contrary to what's proffered by that gentleman.
22 Arrangements for her to leave Kiev was made entirely by the
23 United States Government, and --

24 THE COURT: We're getting ahead of ourselves here.
25 We probably need to wind up and decide -- Ms. Marroquin,

1 what do you think is in her best interest in terms of
2 whether we schedule our hearing here next week or schedule
3 it in the Middle District when she can be taken there?

4 THE DEFENDANT: No. No.

5 MS. MARROQUIN: Your Honor, it's my understanding
6 that her family, her ties are in Lexington. She's lived
7 there for a few years. It might be best to hold the hearing
8 there. Unfortunately, it's been sort of difficult to talk
9 to my client, rushing to this hearing.

10 I don't know that I heard a clear basis for the
11 detention by the government. I mean, one of the bases was
12 in the Bail Reform Act for detention. But assuming there
13 was a basis for detention, it's seems that the client would
14 like to proceed in Lexington with a detention hearing.

15 THE COURT: Okay. What would be the statutory
16 basis for detention?

17 MR. ADULIO: 3142(F)(2), I believe, Your Honor,
18 risk of flight and a danger to the community. It wouldn't
19 be -- obviously it's not a presumption case. We'd proceed
20 on those grounds.

21 THE COURT: Okay. Let's -- I'm satisfied that we
22 have enough to schedule a hearing next week before
23 Judge Keesler. And if upon further looking into this you
24 think there's not a basis for detention, or even a detention
25 hearing, I'll let you raise that with Judge Keesler.

1 MS. MARROQUIN: Thank you, Your Honor. That would
2 be helpful, and we can clarify at that time.

3 THE COURT: I'm sorry, I misspoke. We're not
4 going to have a hearing before Judge Keesler. I think you
5 said you wanted her to -- we'll let her preserve the right
6 to raise that issue when she goes before the magistrate
7 judge in either Greensboro or Winston-Salem in the Middle
8 District.

9 MS. MARROQUIN: That would be fine, Your Honor.
10 Thank you.

11 THE COURT: And since she's not contesting her
12 identity, we'll ask her to sign a piece of paper saying she
13 is Jeannette Tye Runyon.

14 (Hearing concluded at 11:23:12 a.m.)

15 - - - - -
16 **UNITED STATES DISTRICT COURT**
17 **WESTERN DISTRICT OF NORTH CAROLINA**
18 **CERTIFICATE OF REPORTER**

19 I, JOY KELLY, RPR, CRR, certify that the foregoing
20 is a true and correct transcription from the digitally
21 recorded proceedings transcribed by me in the above-entitled
22 matter.

23 S/ JOY KELLY

24 **JOY KELLY, RPR, CRR** Date
25 **U.S. Official Court Reporter**
26 Charlotte, NC